

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER
ADOPTION OF PROPOSED 20.2.91 NMAC
EIB 21-66 (R)**

The New Mexico Environmental Improvement Board (“EIB”) will hold a joint public hearing with the Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) on May 4, 2022, beginning at 9:00 am and continuing through May 6, 2022, to consider EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards (“20.2.91 NMAC”) via the web application WebEx. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days with the third day to be reserved for deliberations.

The hearing is being held via WebEx due to restrictions currently in place by Governor Lujan Grisham’s Executive Orders and various emergency public health orders designed to protect the public and prevent the spread of COVID-19. The hearing location may change before the hearing date, and the Board may hold the hearing in person if circumstances allow. Even if the Board holds the hearing in person, the Board Administrator will provide teleconference or virtual access to those wishing to participate without being at the hearing in person. Those interested in attending should contact the Board Administrator at (505) 660-4305 or visit the New Mexico Environment Department (“NMED”) calendar at <https://www.env.nm.gov/events-calendar/>. Meeting and access details will be available on the calendar entry corresponding to the hearing start date no later than April 22, 2022. The calendar entry will also inform the public if the hearing will also be held in person. All interested persons may submit comments to Board Administrator through the conclusion of the hearing.

The purpose of the public hearing is for the EIB to consider and take possible action on a petition by NMED requesting the EIB to adopt a new regulation, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf>), which will set standards for low-emission and zero-emission light- and medium-duty vehicles delivered for sale in New Mexico. This regulation is part of a broader state effort to address greenhouse gas emissions and is being proposed in accordance with Governor Lujan Grisham’s Executive Order on Addressing Climate Change and Energy Waste Prevention (EO 2019-003).

The proposed regulation is similar to 20.2.88 NMAC Emissions Standards for New Motor Vehicles that the EIB adopted during a joint hearing with the AQCB in 2007 and which was later repealed by the EIB. These proposed standards also relate to a rulemaking petition filed with the EIB by Climate Advocates in June 2021. To assure that the rule applies to the jurisdictions of both the EIB and of the AQCB and meets the identity requirements of Section 177 of the Clean Air Act, the EIB and the AQCB will hold a joint hearing and deliberation to consider

20.2.91 NMAC and 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectively. The EIB and the AQCB may independently decide on the proposed rule for their jurisdiction at the conclusion of the hearing or may convene later meetings for that purpose.

The Petition and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown, in the section for EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on the Clean Cars webpage at <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Interested persons may contact Claudia Borchert at (505) 699-8489 or cleancarsnm@state.nm.us with questions and comments concerning the proposed rule. The deadline for stakeholders and the public to submit written comments to NMED is 5 p.m., March 25, 2022.

The hearing will be conducted in accordance with: 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; the *Environmental Improvement Act*, Section 74-1-9 NMSA 1978; the *Air Quality Control Act*, Section 74-2-6 NMSA 1978; and other applicable procedures.

Hearings and meetings of the Boards are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such a statement prior to the close of the hearing.

TECHNICAL TESTIMONY

Any person who wishes to present technical evidence at the hearing shall file a notice of intent at least 20 days prior to the hearing date to the Board Administrator including the docket number and the name of the regulation, EIB 21-66 (R)- In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. The notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

ENTRY OF APPEARANCE

Any person who wishes to be treated as an interested participant and to cross-examine witnesses at the hearing shall file and serve upon all parties an entry of appearance at least 20 days prior to the hearing date. A timely notice of intent shall be considered an entry of appearance. The entry of appearance must identify the person wishing to be treated as an interested participant and any individual who may appear on behalf of that person.

Those wishing to submit non-technical testimony prior to the hearing may submit relevant evidence, data, views, and arguments to the Board Administrator: pamela.jones@state.nm.us, telephone (505) 660-4305, or Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Those submitting non-technical public comment at the hearing or a non-technical written statement in lieu of oral testimony at or before the hearing should reference docket number EIB 21-66 (R).

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the Board Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@state.nm.us (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice of Nondiscrimination

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above. You may also visit NMED's website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.